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PATENT & TRADEMARK OFFICE
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Cathie H. Turner
Date of Signature

Cathie H. Turner
January 29, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Guttman et al.

Group Art Unit: 1753

Serial No.: 10/058,963

Examiner: Starsiak, John

Filed: January 28, 2002

Docket No.: 1392/10/17/2/2

Confirmation No.: 4487

For: MULTICAPILLARY FRACTION COLLECTION SYSTEM AND METHOD

PETITION UNDER 37 C.F.R. § 1.78 (a) (3) FOR THE BENEFIT OF A PRIOR FILED
CO-PENDING NONPROVISIONAL APPLICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present U.S. patent application (U.S. Patent Application Serial No. 10/058,963) was filed on January 28, 2002 and claimed priority to U.S. Provisional Patent Application Serial Nos. 60/264,574 (the '574 application) and 60/340,802 (the '802 application) along with the following nonprovisional patent applications (as listed in the original application):

U.S. Patent Application Serial No. aa/bbb,ccc entitled "THIN FILM
ELECTROPHORESIS APPARATUS AND METHOD" filed on
January 14, 2002; and

Serial No.: 10/058,963

U.S. Patent Application Serial No. xx/yyy,yyy entitled
"NANOPOROUS MEMBRANE REACTOR FOR MINIATURIZED
REACTIONS AND ENHANCED REACTION KINETICS" filed on
January 14, 2002.

When the present application was filed on January 28, 2002, the serial numbers for the priority nonprovisional cases that were both filed on January 14, 2002 had yet to be issued and therefore the placeholders "aa/bbb,ccc" and "xx/yyy,yyy" were inserted.

An original unsigned Declaration and Power of Attorney was filed on January 28, 2002 with the present application. The unsigned Declaration and Power of Attorney listed as priority documents the application numbers of the two provisional applications (the '574 and '802 applications) and listed the filing date and pending status of the two nonprovisional applications that were filed on January 14, 2002 to which serial numbers had not yet been issued.

A first filing receipt was mailed from the USPTO on March 25, 2002 which noted the domestic priority data as claiming the benefit of provisional number 60/264,574 filed January 26, 2001 and provisional number 60/340,802 filed December 14, 2001. The two nonprovisional applications were not listed on this filing receipt.

In response to a Notice to File Missing Parts, an updated executed Declaration and Power of Attorney was submitted on May 27, 2002. This updated Declaration

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did state the priority applications as the two provisional applications (the '574 and '802 applications) and also for the first time listed the newly acquired serial numbers for the two nonprovisional applications (10/047,461 and 10/047,438).

An Updated Filing Receipt was sent from the USPTO on July 1, 2002 which again only listed the domestic priority data as the two provisional applications (the '574 and the '802 applications) and did not list the two nonprovisional applications (10/047,461 and 10/047,438).

It was recently discovered that while the serial numbers and filing dates of the priority nonprovisional applications were filed with the updated Declaration and Power of Attorney documents submitted to the USPTO on May 27, 2002 (within the 4 month filing period of the application's filing date of January 28, 2002), the USPTO apparently did not recognize the new priority information.

As such, the entire delay between the date the claim was due under paragraph (a) (2) (i) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Therefore, applicants' undersigned attorney is filing the instant Petition, along with a Supplemental Amendment and the appropriate surcharge set forth in Rule 1.17(t). The Supplemental Amendment provides an amendment to the specification that recites the serial numbers and filing dates as well as relationships between the priority nonprovisional applications (Serial Nos. 10/047,461 and 10/047,438) and the present application.

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Request for Corrected Filing Receipt

The benefit of the prior filed co-pending nonprovisional applications designated in this case is now respectfully requested as is issuance of a corrected Filing Receipt indicating that the benefit claims have been recognized by the U.S. Patent and Trademark Office.

DEPOSIT ACCOUNT

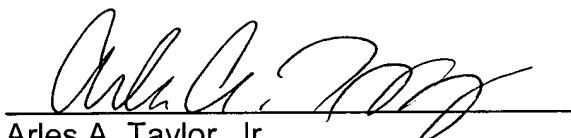
The Commissioner is hereby authorized to charge the amount of \$1330.00 in connection with the filing of this correspondence, and is hereby authorized to charge any other fee associated with the filing of this correspondence, to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 01/29/2004

By:


Arles A. Taylor, Jr.
Registration No. 39,395

1392/10/17/2/2

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